

Message Text

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ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 CCO-00 /026 W

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Z 020052Z OCT 75

FM USDEL SECRETARY IN NEW YORK

TO SECSTATE WASHDC FLASH

C O N F I D E N T I A L SECTION 1 OF 5 SECTO 14031

EXDIS

FOR SISCO, LEIGH AND BREMER ONLY

E.O. 11652: GDS

TAGS: PFOR, IS, US, EG

SUBJ: SECRETARY'S REDRAFT OF SISCO'S VERSION OF THE STATEMENT
FOR SFRC APPEARANCE ON SINAI ACCORDS

FOLLOWING IS THE TEXT OF THE SECRETARY'S REDRAFT OF
SISCO'S VERSION OF THE STATEMENT FOR SFRC APPEARANCE:

I DEEPLY APPRECIATE THE OPPORTUNITY TO MEET WITH
THIS COMMITTEE AT THIS EARLY HOUR. I WELCOME ALSO
THE DECISION OF THE SENATE FOREIGN RELATIONS COM-
MITTEE TO VOTE A RESOLUTION ON FRIDAY APPROVING THE
SENDING OF 200 AMERICAN CIVILIAN TECHNICIANS TO
PARTICIPATE IN THE EARLY WARNING SYSTEM IN THE
STRATEGIC PASSES IN THE SINAI.

IT IS ESSENTIAL, MR. CHAIRMAN, THAT THIS COM-
MITTEE AND THE CONGRESS ACT PROMPTLY, AND IT HAS BEEN
AND REMAINS THE FIRM DESIRE OF THE ADMINISTRATION TO
WORK COOPERATIVELY WITH THE CONGRESS TO THIS END. AS
I POINTED OUT IN PREVIOUS TESTIMONY, EGYPT AND ISRAEL
HAVE AGREED ON A TIMETABLE FOR IMPLEMENTATION -- THE
FIRST STEP IS SCHEDULED TO BE TAKEN ON OCTOBER 5 -- AND
THERE IS A SERIOUS RISK THAT THE AGREED SCHEDULE CAN
BE UPSET, RESULTING IN RENEGOTIATIONS BY THE PARTIES.
THAT WOULD ENDANGER THE EGYPTIAN-ISRAELI AGREEMENT.
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THE CURRENT SITUATION IS THEREFORE PRECARIOUS,

AND I DEEPLY BELIEVE THAT THIS IS A TIME FOR US TO
ACT AND WORK TOGETHER, AS PARTNERS, AS LEADERS
REFLECTING A PURPOSEFUL AND UNITED AMERICA.

I AM CONFIDENT THAT NEITHER THE ADMINISTRATION
NOR THE CONGRESS WANTS TO UNDERMINE WHAT HAS BEEN
ACHIEVED IN THE SINAI AGREEMENT, NEGOTIATED PAIN-
STAKINGLY FOR OVER A YEAR BY THE UNITED STATES AS
THE ONLY ACCEPTABLE MEDIATOR TO BOTH SIDES. THE
AGREEMENT SERVES THE INTERESTS OF THE UNITED STATES,
OF THE PARTIES AND PEOPLES IN THE AREA, AND THE CAUSE
OF PEACE GENERALLY. PRESIDENT SADAT AND PRIME MINISTER
RABIN HAVE INDICATED THE AGREEMENT COULD BE A TURNING
POINT IN THE RELATIONS BETWEEN THE TWO SIDES. MOREOVER,
PRESIDENT FORD HAS POINTED OUT THAT THE ISSUES INVOLVED
IN THE MIDDLE EAST HAVE BEEN RECOGNIZED BY EVERY AMERI-
CAN ADMINISTRATION FOR THE PAST 30 YEARS AS CENTRAL TO
OUR INTERESTS. THE EGYTIAN-ISRAELI AGREEMENT IS THE
MOST PROMISING STEP YET TAKEN IN THE ARAB-ISRAELI DIS-
PUTE TO HELP BRING A COMPREHENSIVE PEACE TO THE MIDDLE
EAST. HAD I BEEN REPORTING TO YOU FAILURE OF THE NEGO-
TIATIONS RATHER THAN A BREAK IN THAT STALEMATE, THE
CHANCES OF ANOTHER ARAB-ISRAELI WAR WOULD BE INFINITELY
GREATER. INSTEAD THERE IS LESS CHANCE OF HOSTILITIES,
AND NEW OPPORTUNITIES FOR FURTHER DIPLOMATIC PROGRESS.
THE US REMAINS KEY TO FURTHER PROGRESS.

IN MY JUDGMENT THERE ARE TWO PRINCIPAL ISSUES
BEFORE THE COMMITTEE.

FIRST AND FOREMOST IS THE PROPOSAL TO APPROVE THE
SENDING OF 200 TECHNICIANS TO THE SINAI. SECONDLY,
THERE IS THE SEPARATE QUESTION OF THE UNDERTAKINGS
AND ASSURANCES MADE BY THE US TO THE PARTIES ON THE
OCCASION OF AND IN THE CONCURRENT TIME FRAME OF THE
NEGOTIATIONS BETWEEN EGYPT AND ISRAEL.

AS THIS COMMITTEE KNOWS, IT IS THE US PROPOSAL
TO SEND 200 TECHNICIANS -- AND THIS PROPOSAL ALONE --
FOR WHICH THE ADMINISTRATION SEEKS THE APPROVAL OF
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CONGRESS. THIS IS A CLEAR, SPECIFIC COMMITMENT WHICH
SHOULD BE ASSUMED PROMPTLY BY THE US WITH THE FULL
SUPPORT OF THE CONGRESS AND THE AMERICAN PEOPLE. IT
IS THE SUBJECT OF A JOINT RESOLUTION, AND IT WILL
REQUIRE SUBSEQUENT VOTING OF FUNDS BY THE CONGRESS.

IT IS ISRAEL AND EGYPT WHO ARE THE PARTIES AND
SIGNATORIES OF THE EGYPTIAN-ISRAELI AGREEMENT, NOT THE

US. THE AGREEMENT REPEATEDLY SPEAKS OF THE OBLIGATIONS OF "THE PARTIES," AND IT IS BEYOND DISPUTE THAT THE PARTIES ARE EGYPT AND ISRAEL AND NO THIRD STATE.

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FOR SISCO, LEIGH AND BREMER ONLY

THE AGREEMENT DOES PROVIDE, IN AN ANNEX, THAT, IN THE BUFFER ZONE BETWEEN EGYPT AND ISRAEL IN WHICH THE UNITED NATIONS EMERGENCY FORCE WILL CONTINUE TO PERFORM ITS FUNCTIONS, THERE WILL BE ESTABLISHED AN EARLY WARNING SYSTEM ENTRUSTED TO UNITED STATES CIVILIAN PERSONNEL. THE SEPARATE PROPOSAL OF THE UNITED STATES, FOR WHICH APPROVAL OF THE CONGRESS IS BEING SOUGHT, PROVIDES DETAILS OF THE EARLY WARNING SYSTEM. THAT PROPOSAL IS DESCRIBED AS A PART OF THE AGREEMENT BETWEEN EGYPT AND ISRAEL; BUT THAT IN NO SENSE SAYS OR MEANS THAT THE UNITED STATES IS A PARTY TO THE AGREEMENT BETWEEN EGYPT AND ISRAEL. IT IS AS IF FORD MOTOR COMPANY AGREES WITH THE CITY OF DETROIT TO PROVIDE BUSES FOR MUNICIPAL TRANSPORTATION CONTAINING GLASS BUILT TO ITS SPECIFICATIONS BY THE PITTSBURGH PLATT GLASS COMPANY, THE PARTIES TO THE CONTRACT ARE JUST FORD AND DETROIT -- EVEN THOUGH THEY BOTH WANT PITTSBURGH AND PITTSBURGH WISHES TO PROVIDE IT.

A VOTE IN FAVOR OF THE SPECIFIC, LIMITED US ROLE IN THE EARLY WARNING SYSTEM WILL NOT COMMIT ANYONE TO A POSITION ON THE QUESTION OF UNDERTAKINGS AND ASSURANCES TO THE PARTIES INVOLVED OR ON SUCH RELATED ISSUES AS OUR CONTINUING RELATIONS WITH VARIOUS COUNTRIES, OUR POLICIES OR OUR PROGRAMS IN THE MIDDLE EAST. THOSE ARE SEPARATE ISSUES WHICH YOU WILL WANT

TO CONSIDER CAREFULLY AT AN APPROPRIATE TIME; THEY ARE NOT AN INTEGRAL PART OF THE EGYPTIAN-ISRAELI AGREEMENT.

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I THEREFORE WANT TO SAY CATEGORICALLY THAT THE ADMINISTRATION DOES NOT CONSIDER AMERICAN UNDERTAKINGS AS PART OF THE ISRAELI-EGYPTIAN AGREEMENT OR THAT IT IS CONDITIONAL ON THEM IN ANY SENSE.

GIVEN THE IMPORTANCE OF THE AGREEMENT, THE ADMINISTRATION HAS MADE A MAJOR EFFORT TO PUT BEFORE THE CONGRESS ALL THE RELEVANT UNDERTAKINGS. WE ASSEMBLED ALL THE DOCUMENTS THAT IN THE JUDGMENT OF OUR LEGAL ADVISOR INVOLVED UNDERTAKINGS. WE SUBMITTED THESE DOCUMENTS TO THIS COMMITTEE. SOME WERE CONTAINED IN THE MEMORANDA OF AGREEMENT BETWEEN ISRAEL AND THE UNITED STATES WHICH, AS MANY SUCH DOCUMENTS PREVIOUSLY, WERE CLASSIFIED SECRET. SOME WERE UNILATERAL STATEMENTS THAT BY NO STRETCH OF THE IMAGINATION COULD BE CALLED EXECUTIVE AGREEMENTS. THEY WERE SUBMITTED TO LEAVE NO GAP IN THE RECORD. TO REASSURE THE COMMITTEE WE SHOWED ALL OTHER DOCUMENTS TO THE CHAIRMAN AND THE RANKING MEMBERS TO THAT THEY COULD REASSURE THEMSELVES THAT OUR SELECTIONS WERE FAIR AND PROPER.

I STRESS THESE POINTS BECAUSE THERE HAVE BEEN TOO MANY UNCONTRADICTED STATEMENTS IN THE MEDIA THAT THE COMMITTEE WAS CONCERNED THAT SOME UNDERTAKINGS HAD BEEN INITIALED.

IT WAS OUR HOPE THAT A SUMMARY COULD BE WORKED OUT WITH THE COMMITTEE WHICH WOULD HAVE BEEN CERTIFIED AS CONTAINING ALL ESSENTIAL COMMITMENTS SO THAT THE FULL SENATE WOULD FEEL FREE TO VOTE UNRESERVEDLY ON THE US TECHNICIANS. THIS WAS INTENDED TO SATISFY THE NEEDS OF THE CONGRESS AND THE AMERICAN PEOPLE TO KNOW WHILE AT THE SAME TIME MAINTAINING THE INTEGRITY AND CONFIDENTIALITY OF THE DIPLOMATIC PROCESS.

THIS APPROACH WAS NOT BASED ON ANY NOTION OF UPHOLDING SECRECY FOR ITS OWN SAKE. THE ADMINISTRATION, AFTER ALL, VOLUNTARILY SUBMITTED THE CONFIDENTIAL DOCUMENTS FOR REVIEW

NOW A NEW SITUATION HAS ARISEN; THE LEAKAGE OF THE CONFIDENTIAL DOCUMENTS HAS RAISED THE QUESTION OF DISCLOSURE. IT IS A COMMON PROBLEM WE SHARE, AND I WANT TO ASSURE THE COMMITTEE THAT WE WILL GO MORE THAN HALF-WAY IN ORDER TO RESOLVE THIS ISSUE SATISFACTORILY.

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C O N F I D E N T I A L SECTION 3 OF 5 SECTO 14031

EXDIS

FOR SISCO, LEIGH AND BREMER ONLY

BUT I MUST EXPRESS MY CONCERN ABOUT THE RESOLUTION ADOPTED BY THE COMMITTEE "OF ALL THE ASSURANCES AND UNDERTAKINGS BY THE US ON WHICH ISRAEL AND EGYPT ARE RELYING IN ENTERING INTO THE SINAI AGREEMENT" THE LANGUAGE LACKS PRECISION AND IS SUBJECT TO VARIOUS INTERPRETATIONS. I HAVE INDICATED THAT THIS COMMITTEE IS IN POSSESSION ON A CLASSIFIED BASIS OF WHAT IN OUR BEST JUDGMENT ARE THE US UNDERTAKINGS. BY ANY REASONABLE INTERPRETATION OUR CONFIDENTIAL SUBMISSIONS MEET THE INTENTION OF THE AFOREMENTIONED COMMITTEE RESOLUTION. WE HOPE THAT COMMITTEE AGREES, FOR AS I SAID IN A RECENT SESSION, THE AGREEMENT CONCLUDED BETWEEN EGYPT AND ISRAEL UNDER THE AEGIS OF THE US WAS CONCLUDED ON THE BASIS OF WELL-ESTABLISHED PAST GROUND RULES AND IS BEING SUBMITTED TO A CONGRESS WHICH IS IN THE PROCESS OF EVOLVING NEW GROUND RULES. IN THIS IMPORTANT EVOLUTION IN THE RELATION OF THE EXECUTIVE AND LEGISLATIVE BRANCHES, WE ARE PREPARED TO ENGAGE BOTH IN A CONSTRUCTIVE DIALOGUE AND COOPERATIVE EFFORTS IN WHAT MUST OBVIOUSLY BE A DELIBERATE PROCESS. BUT WE WISH NO MISUNDERSTANDING WITH RESPECT TO THE PHRASE "ALL THE ASSURANCES AND UNDERTAKINGS." IN THE NORMAL CONDUCT OF DIPLOMACY MANY HIGH-LEVEL OFFICERS OF THE US GOVERNMENT, INCLUDING THE PRESIDENT, ARE EVERY DAY PROVIDING ASSURANCES AND EXPRESSIONS OF INTENTION REGARDING US POLICY. IT IS NOT POSSIBLE FOR ME TO SAY TO THIS COMMITTEE THAT ALL OF WHAT WE MAY HAVE SAID TO ISRAEL OR EGYPT IN A YEAR'S NEGOTIATION

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OR ALL THE COMMUNICATIONS THAT HAVE BEEN EXCHANGE ARE EMBRACED IN THE CONFIDENTIAL DOCUMENTS SUBMITTED TO THE COMMITTEE. WE CAN SAY TO YOU IN GOOD FAITH THESE IN OUR JUDGMENT ARE ALL THE UNDERTAKINGS THAT MIGHT BE VIEWED AS BINDING THE UNITED STATES. BUT THERE ARE OF NECESSITY AMBIGUOUS EXPRESSIONS OF INTENTION, ASSURANCES IN THE VERY CORE, NATURE, AND PROCESS OF DIPLOMACY OVER THE MONTHS WHICH ARE ABSOLUTELY ESSENTIAL TO PERMIT THE US GOVERNMENT THE KIND OF FREEDOM OF ACTION REQUIRED IN THE CONDUCT OF ITS POLICY. TO ARGUE THAT SUCH STATEMENTS ARE WITHIN THE SCOPE OF THE CASE ACT WOULD BE TO BROADEN THAT ACT BEYOND REASON AND PRACTICAL APPLICATION. IN THE LONG RUN IT WOULD DISTORT AND UNDERMINE THE CASE ACT. THAT ACT ALSO BY ITS VERY TERMS ACCEPTS THE FUNDAMENTAL PRINCIPLE OF CONFIDENTIALITY OF DIPLOMATIC EXCHANGES. TAKEN TOGETHER, THESE VARIOUS STATEMENTS OF POLITICAL INTENTION AND CONDITIONAL LEGAL COMMITMENTS COMPRISE EXECUTIVE AGREEMENTS. BUT THE CONTENT AND THE LEGALLY BINDING CHARACTER OF THE DISPARATE ELEMENTS OF THOSE AGREEMENTS CAN ONLY BE UNDERSTOOD BY CONSIDERATION OF EACH PARTICULAR ELEMENT.

AS TO THE US UNDERTAKINGS TO THE PARTIES, I WOULD LIKE TO ENTER YET ANOTHER RESERVATION ABOUT THE COMMITTEE'S RESOLUTION.

IT CONCERNS THE PHRASE IN THE RESOLUTION "ON WHICH ISRAEL AND EGYPT ARE RELYING IN ENTERING INTO THE SINAI AGREEMENT." ON WHAT ASSURANCES AND UNDERTAKINGS EGYPT AND ISRAEL RELY IS NOT SOMETHING THAT CAN BE OBJECTIVELY AND CATEGORICALLY STATED BY ME; IT IS SOMETHING WHICH AUTHORIZED SPOKESMEN OF THEIR RESPECTIVE GOVERNMENTS WOULD HAVE TO STATE. IT MAY OR MAY NOT BE ACCEPTED BY OUR GOVERNMENT. BUT IT IS SELF-EVIDENT THAT IN THE COURSE OF THE EXTENDED AND INTRICATE NEGOTIATIONS WHICH PRODUCED THE SINAI AGREEMENT THERE WERE MANY COMMUNICATIONS BACK AND FORTH. WHAT THE US CONSIDERS UNDERTAKINGS IS BEFORE THE COMMITTEE; THEY WERE GIVEN ON THE OCCASION OF THE CONCORDANT WITH THE SINAI AGREEMENT BUT THEY ARE NOT PART OF THE SINAI AGREEMENT. IT FOLLOWS THAT, IF ONE DAY THE UNITED STATES WERE TO BE UNABLE OR UNWILLING TO GIVE EFFECT TO THE INTENTIONS EXPRESSED, THE PARTIES TO THE SINAI AGREEMENT, EGYPT AND ISRAEL, COULD NOT CLAIM CONFIDENTIAL

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THAT THEY CONSEQUENTLY ARE ABSOLVED OF THEIR OBLIGATIONS UNDER THE SINAI AGREEMENT. THE OBLIGATIONS OF THE SINAI AGREEMENT ARE CLEAR AND DIRECT AND UNQUALIFIED; THEY STAND ON THEIR OWN.

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C O N F I D E N T I A L SECTION 4 OF 5 SECTO 14031

EXDIS

FOR SISCO, LEIGH AND BREMER ONLY

EVEN THE UNDERTAKINGS SUBMITTED TO THIS COMMITTEE ARE NOT ALL OF THE SAME ORDER. THOSE WITH ISRAEL FALL ESSENTIALLY INTO TWO CATEGORIES. ONE IS ASSURANCES BY THE US OF ITS POLITICAL INTENTIONS OR REAFFIRMATION OF EXISTING AMERICAN POLICY. OTHERS ARE UNDERTAKINGS BY THE US WHICH ARE CONDITIONAL ON EXISTING OR PRIOR AUTHORIZATION AND APPROPRIATION OF THE CONGRESS. MANY OF THE PROVISIONS OF THE DOCUMENTS IN QUESTION DO NOT BY ANY STANDARD RISE TO THE LEVEL OF INTERNATIONAL COMMITMENTS. THEY ARE NO MORE THAN STATEMENTS OF INTENTION TYPICAL OF DIPLOMATIC EXCHANGES, AS TO CONTINGENCIES WHICH MAY NEVER ARISE AND RELATED -- SOMETIMES EXPLICITLY -- TO PRESENT CIRCUMSTANCES SUBJECT TO RAPID CHANGE. THIS IS NOT TO SAY THAT THE INTENTIONS OF THE US AND THE STATEMENTS OF THE INTENTIONS ARE NOT IMPORTANT. BUT THEY MUST NOT BE GIVEN A MORE BINDING CHARACTER THAN WAS INTENDED OR THAN LEGAL ANALYSIS WOULD SUPPORT. THE FACT IS THAT, APART FROM UNDERTAKINGS CONDITIONED UPON CONGRESSIONAL APPROVAL, SUCH UNDERTAKINGS IN THE PAST HISTORY BETWEEN ISRAEL AND THE UNITED STATES ARE PRIMARILY GUIDES TO FUTURE ACTION, OR INDICATIONS OF POLITICAL INTENT. THIS IS INDICATED BY THE WAY IN WHICH THOSE WHO HAVE BEEN CONCERNED WITH SUCH UNDERTAKINGS OR ASSURANCES IN THE PAST HAVE TREATED THEM. AS YOU KNOW, THE UNITED STATES PLAYED A KEY ROLE IN THE CONCLUSION OF THE INITIAL DISENGAGEMENT AGREEMENT BETWEEN EGYPT AND ISRAEL IN JANUARY 1974. WE PLAYED A SIMILARLY CRITICAL ROLE IN BRINGING ABOUT THE DISENGAGEMENT AGREEMENT BETWEEN ISRAEL AND SYRIA IN MAY 1974. WE PLAYED THE

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TRADITIONAL ROLE OF A GOVERNMENT EXTENDING ITS GOOD OFFICES. WE ACTED AS MEDIATOR, AND AT TIMES, IN ORDER TO FACILITATE THE FRUITION OF THE NEGOTIATIONS, WE MADE A NUMBER OF STATEMENTS ABOUT OUR OWN INTENTIONS CONCERNING EVENTS THAT MIGHT OCCUR IN THE FUTURE. THIS WAS DIPLOMATICALLY UNUSUAL; A MEDIATOR NORMALLY PUTS PROPOSALS TO THE PARTIES; IT DOES NOT OFFER INDICATIONS OF WHAT ITS OWN FUTURE BEHAVIOR MAY BE. AN EXTRAORDINARY CRISIS GAVE RISE TO UNUSUAL METHODS FOR ASSISTING IN RESOLVING IT. 8 4-3), EGYPT AND SYRIA REQUIRED SOME STATEMENTS OF US INTENTIONS, AND THEY WERE GIVEN. THE TEXT OF THESE REASSURANCES WAS PROVIDED TO THIS COMMITTEE. BUT THE ADMINISTRATION DID NOT REGARD THESE REASSURANCES AS GIVING RISE TO BINDING INTERNATIONAL COMMITMENTS. NONE OF THE GOVERNMENTS CONCERNED HAVE TREATED THESE ASSURANCES AS LEGALLY BINDING INTERNATIONAL AGREEMENTS. RATHER, THEY HAVE CONSIDERED THEM AS DECLARATIONS OF PRINCIPLE, AS POLITICAL GUIDEPOSTS.

SOME MISAPPREHENSIONS WHICH HAVE ARISEN IN RESPECT OF THE LETTER DATED SEPTEMBER 18, 1975, FROM LEGAL ADVISER MONROE LEIGH TO CHAIRMAN MORGAN, OF THE HOUSE INTERNATIONAL RELATIONS COMMITTEE, WHICH HAS BEEN PLACED BEFORE THE SENATE COMMITTEE ON FOREIGN RELATIONS.

THE TWO MEMORANDA OF AGREEMENT BETWEEN THE UNITED STATES AND ISRAEL WILL BE TRANSMITTED FORMALLY, AFTER SIGNATURE TO THIS COMMITTEE AND TO THE COMMITTEE ON INTERNATIONAL RELATIONS OF THE HOUSE OF REPRESENTATIVES IN PURSUANCE OF THE PROVISIONS OF THE CASE ACT, GOVERNING AGREEMENTS THE DISCLOSURE OF WHICH WOULD BE PREJUDICIAL TO THE NATIONAL SECURITY -- AND I MAY ADD THE DIPLOMATIC CAPACITY OF THE UNITED STATES.

MR. LEIGH'S CHARACTERIZATION OF THESE MEMORANDA OF AGREEMENT AS "EXECUTIVE AGREEMENTS" SHOULD BE READ IN THE CONTEXT OF THE ADMINISTRATION'S DESIRE TO TAKE A BROAD VIEW OF THE CASE ACT. IT IS THE POSITION OF THE ADMINISTRATION THAT THESE MEMORANDA OF AGREEMENT ARE NOT TREATIES, AND THAT MANY OF THESE PROVISIONS DO NOT CONSTITUTE COMMITMENTS WHICH ARE LEGALLY BINDING UPON THE US IN AREAS OF CONGRESSIONAL AUTHORITY AND PREROGATIVES IN THE ABSENCE OF CONGRESSIONAL APPROVAL. THE ADMINISTRATION HOLDS THAT THESE MEMORANDA

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OF AGREEMENT CONSIST OF STATEMENTS OF US POLICY AND INTENT WHICH ARE WITHIN THE COMPETENCE OF THE PRESIDENT, TOGETHER WITH CERTAIN CONDITIONAL UNDERTAKINGS WHICH DO REQUIRE THE APPROVAL OF THE CONGRESS AND WHICH ARE NOT CONTINGENT UPON APPROVAL OF THE TEXT OF THE MEMORANDA OF AGREEMENT.

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EXDIS

FOR SISCO, LEIGH AND BREMER ONLY

FOR ALL THESE REASONS THE ADMINISTRATION CANNOT AGREE TO DECLASSIFY THESE DOCUMENTS AND TO RELEASE THEM. IT IS ONE THING FOR THESE CONFIDENTIAL DOCUMENTS TO HAVE APPEARED IN THE PRESS AS A RESULT OF LEAKS; PARTIES IN THE AREA HAVE THE FREEDOM TO REACT OR NOT REACT TO THEM AS LONG AS THEY REMAIN UNOFFICIAL. BUT IS IS SOMETHING ENTIRELY DIFFERENT FOR THE ADMINISTRATION TO DECLASSIFY AND RELEASE THESE DOCUMENTS, GIVING THEM A PUBLIC, BY IMPLICATION MORE BINDING, CHARACTER NEVER INTENDED. GOVERNMENTS WOULD BE FORCED TO REACT. THESE CLAUSES WHICH REFLECT RESTATEMENTS OF EXISTING PRACTICE COULD EASILY MISREAD AS CONTINUING NEW OBJECTIVES ARISING OUT OF THE SINAI AGREEMENT. IN SHORT, AS A MATTER OF PRINCIPLE -- THE PROTECTION OF THE INTEGRITY AND CONFIDENTIALITY OF THE DIPLOMATIC PROCESS -- AND TO AVOID INJURY TO THE NATIONAL INTERESTS OF THE UNITED STATES, WE WILL NOT DECLASSIFY AND RELEASE THE DOCUMENTS.

WE CAN ALSO NOT PREPARE AN OFFICIAL SUMMARY BECAUSE IT WOULD SUFFER FROM THE SAME DRAWBACKS. IT WOULD MOREOVER BE COMPARED WITH THE TEXT BEFORE YOU AND LEAD TO ENDLESS DISPUTES. IF THE COMMITTEE WISHES TO WORK OUT ITS OWN SUMMARY, WE ARE PREPARED TO HELP.

SHOULD THE COMMITTEE DECIDE TO PUBLISH THE CONFIDENTIAL DOCUMENTS, IT WOULD BE DOING SO WITHOUT THE APPROVAL OF THE EXECUTIVE BRANCH. WE HAVE NO WAY OF EXERCISING CONTROL OVER SUCH AN ACTION. IF THIS IS WHAT THE COMMITTEE SHOULD DECIDE,

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IT WOULD BE DOING SO ON ITS OWN RESPONSIBILITY AND OVER THE
OBJECTIONS OF THE EXECUTIVE BRANCH.

FINALLY, I WISH TO LEAVE THIS COMMITTEE WITH ONE
CONCLUDING THOUGHT. WE DEEPLY BELIEVE THAT THE ACHIEVEMENT OF
THE SINAI ACCORD COULD MEAN A REAL TURNING POINT IN AN AREA THAT
HAS LONG BEEN TROUBLED AND HAS BEEN WRACKED BY FOUR WARS.
WHAT IS PAINFUL IN THE PRESENT SITUATION, MR. CHAIRMAN, IS
THAT THIS IS AN AGREEMENT ACHIEVED UNDER THE AEGIS OF THE UNITED
STATES OF WHICH ALL AMERICA COULD BE PROUD. IT IS AN AGREEMENT
WHICH WE BELIEVE WILL BE HELPFUL IN MAKING FURTHER PRACTICAL
PROGRESS TOWARDS PEACE. IT IS WITH A HEAVY HEART AND A GOOD
DEAL OF SADNESS TO HAVE WITNESSED WHAT HAS OCCURRED IN THE
LAST FOUR WEEKS. I SEEK TO PLACE NO BLAME ON ANYONE. WHAT
SHOULD HAVE BEEN A BROADLY RECOGNIZED ACHIEVEMENT OF AMERICAN
DIPLOMACY HAS NOW FOCUSSED ON A SO-CALLED ISSUE OF SECRECY.
WHAT CAN ONLY BE MAINTAINED WITH GREAT AUTHORITY, A UNITED
COUNTRY HAS TURNED INTO A LEGALISTIC DISPUTE. WE UNDERSTAND FULLY
THE PAIN AND THE ANGUISH WHICH ALL AMERICAN HAS FELT OVER
VIETNAM. WE UNDERSTAND, APPRECIATE AND AGREE THAT THE AMERICAN
PEOPLE MUST KNOW OF US UNDERTAKINGS AND ASSURANCES. I KNOW
THAT THE MEMBERS OF THIS COMMITTEE HAVE ACTED IN GOOD
CONSCIENCE AND WITH THE HIGHEST OF MOTIVES, BUT I WOULD HOPE,
MR. CHAIRMAN, THAT AFTER THE NUMEROUS HEARINGS
THAT HAVE BEEN HELD, AFTER THE UNDERSTANDABLE AND THOROUGH
SCRUTINY WHICH THE MEMBERS OF THIS COMMITTEE HAVE GIVEN
TO THE AGREEMENTS AND RELATED MATTERS, THAT WE CAN NOW
ACT TOGETHER IN THE SPIRIT OF UNITY, IN THE SPIRIT OF TRUST THAT
IS ESSENTIAL IF WE ARE TO REFLECT AN IMAGE OF UNITY AND
STRENGTH ABROAD IN THE PURSUANCE OF OUR NATIONAL INTERESTS.

I THINK IT IS BEYOND QUESTION THAT, IN THIS CASE,
THE EXECUTIVE BRANCH HAS GIVEN THE CONGRESS EXTRAORDINARY
ACCESS TO THE CONTENT OF THE DIPLOMATIC NEGOTIATIONS AS WELL
AS THE TERMS OF THE ASURANCES AND UNDERTAKINGS OF THE
UNITED STATES.

I HOPE THIS COMMITTEE WILL ACT PROMPTLY TOMORROW TO
VOTE OUT THE RESOLUTION APPROVING THE PLACEMENT OF 200 US
TECHNICIANS IN THE SINAI.

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